

STAYED, TYPE I-FOIA

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00372-TSC

MCKINNEY v. UNITED STATES DEPARTMENT OF
 VETERANS AFFAIRS
 Assigned to: Judge Tanya S. Chutkan
 Case: 1:14-cv-02185-TSC
 Cause: 05:552 Freedom of Information Act

Date Filed: 02/19/2018
 Jury Demand: None
 Nature of Suit: 895 Freedom of
 Information Act
 Jurisdiction: U.S. Government Defendant

Plaintiff**HUGH CAMPBELL MCKINNEY**

represented by **Seth A. Watkins**
 WATKINS LAW & ADVOCACY, PLLC
 1455 Pennsylvania Avenue, NW
 Suite 400
 Washington, DC 20004
 (202) 355-9421
 Fax: (202) 355-9424
 Email: watkins@wlaplcc.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**UNITED STATES DEPARTMENT OF
 VETERANS AFFAIRS**

represented by **Joshua L. Rogers**
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-2578
 Fax: (202) 252-2599
 Email: joshua.rogers3@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Doris Denise Coles-Huff
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-2557
 Fax: (202) 252-2599
 Email: doris.coles@usdoj.gov
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|---|
| 02/19/2018 | <u>1</u> | COMPLAINT against UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (Filing fee \$ 400 receipt number 0090-5337829) filed by HUGH CAMPBELL MCKINNEY. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Civil Cover Sheet, # <u>15</u> Summons United States Department of Veterans Affairs, # <u>16</u> Summons U.S. Attorney for the District of Columbia, # <u>17</u> Summons U.S. Attorney General)(Watkins, Seth) (Entered: 02/19/2018) |
| 02/19/2018 | <u>2</u> | NOTICE OF RELATED CASE by HUGH CAMPBELL MCKINNEY. Case related to Case No. 14-2185. (Watkins, Seth) (Entered: 02/19/2018) |

| | | |
|------------|-----------|---|
| 02/20/2018 | | Case Assigned to Judge Tanya S. Chutkan. (zsb) (Entered: 02/20/2018) |
| 02/20/2018 | <u>3</u> | SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF VETERANS AFFAIRS, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 02/20/2018) |
| 03/07/2018 | <u>4</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 3/7/2018. Answer due for ALL FEDERAL DEFENDANTS by 4/6/2018. (Attachments: # <u>1</u> Declaration of Seth A. Watkins)(Watkins, Seth) (Entered: 03/07/2018) |
| 03/12/2018 | <u>5</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF VETERANS AFFAIRS served on 3/12/2018 (Attachments: # <u>1</u> Declaration of Seth A. Watkins)(Watkins, Seth) (Entered: 03/12/2018) |
| 03/12/2018 | <u>6</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 03/09/2018. (Attachments: # <u>1</u> Declaration of Seth A. Watkins)(Watkins, Seth) (Entered: 03/12/2018) |
| 03/19/2018 | <u>7</u> | NOTICE of Appearance by Joshua L. Rogers on behalf of UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (Rogers, Joshua) (Entered: 03/19/2018) |
| 04/05/2018 | <u>8</u> | Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint,, by UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 04/05/2018) |
| 04/09/2018 | | MINUTE ORDER: Granting <u>8</u> Consent Motion for Extension of Time to Answer. Defendant shall answer or otherwise respond to the complaint by May 7, 2018. Signed by Judge Tanya S. Chutkan on 4/9/18. (DJS) (Entered: 04/09/2018) |
| 04/10/2018 | | Set/Reset Deadlines: Answer due by 5/7/2018. (tb) (Entered: 04/10/2018) |
| 05/07/2018 | <u>9</u> | ANSWER to Complaint by UNITED STATES DEPARTMENT OF VETERANS AFFAIRS.(Rogers, Joshua) (Entered: 05/07/2018) |
| 05/08/2018 | | MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues and that contains a proposed schedule and proposed order not later than 6/7/18. Signed by Judge Tanya S. Chutkan on 5/8/18. (DJS) (Entered: 05/08/2018) |
| 05/09/2018 | | Set/Reset Deadlines: Joint Status Report and proposed order and schedule due by 6/7/2018. (tb) (Entered: 05/09/2018) |
| 06/01/2018 | <u>10</u> | Joint STATUS REPORT by UNITED STATES DEPARTMENT OF VETERANS AFFAIRS. (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 06/01/2018) |
| 06/11/2018 | | MINUTE ORDER: Having considered the parties' Joint Status Report <u>10</u> , it is hereby ordered that the parties shall file another report (and proposed order) by July 2, 2018. Signed by Judge Tanya S. Chutkan on 6/11/18. (DJS) (Entered: 06/11/2018) |
| 06/12/2018 | | Set/Reset Deadlines: Joint Status Report due by 7/2/2018. (tb) (Entered: 06/12/2018) |
| 07/02/2018 | <u>11</u> | Joint STATUS REPORT by UNITED STATES DEPARTMENT OF VETERANS AFFAIRS. (Rogers, Joshua) (Entered: 07/02/2018) |
| 07/17/2018 | | MINUTE ORDER: Having considered the parties' Joint Status Report <u>11</u> , it is hereby ordered that the parties file another joint report by August 2, 2018 and every thirty days thereafter. To the extent the report contains a proposed production and/or briefing |

| | | |
|------------|-----------|--|
| | | schedule, the report shall also contain a proposed order. Signed by Judge Tanya S. Chutkan on 7/17/18. (DJS) (Entered: 07/17/2018) |
| 07/19/2018 | | Set/Reset Deadlines: Joint Status Report due by 8/2/2018. (tb) (Entered: 07/19/2018) |
| 08/02/2018 | <u>12</u> | Joint STATUS REPORT by UNITED STATES DEPARTMENT OF VETERANS AFFAIRS. (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 08/02/2018) |
| 10/01/2018 | <u>13</u> | Joint STATUS REPORT by HUGH CAMPBELL MCKINNEY. (Attachments: # <u>1</u> Text of Proposed Order)(Watkins, Seth) (Entered: 10/01/2018) |
| 12/17/2018 | | MINUTE ORDER: On 7/17/18 the court ordered the parties to file a Joint Status Report by 8/2/18 and every 30 days thereafter. The order also directed the parties to attach a proposed order should the joint status report contain a proposed production and/or briefing schedule. The parties filed a timely report on 8/2/18, but did not file a report in September. The parties also filed a report on 10/1/18, but have not filed another report since that time. By 12/21/18 the parties shall file a joint status report and, going forward, the parties shall file a joint report EVERY 60 days thereafter. A draft order shall be included to the extent the report contains a proposed production and/or briefing schedule. Failure to comply with this order may result in sanctions. Signed by Judge Tanya S. Chutkan on 12/17/18. (DJS) (Entered: 12/17/2018) |
| 12/19/2018 | | Set/Reset Deadlines: Joint Status Report due by 12/21/2018. (tb) (Entered: 12/19/2018) |
| 12/21/2018 | <u>14</u> | Joint STATUS REPORT by HUGH CAMPBELL MCKINNEY. (Attachments: # <u>1</u> Text of Proposed Order)(Watkins, Seth) (Entered: 12/21/2018) |
| 01/18/2019 | <u>15</u> | MOTION to Stay by UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (Attachments: # <u>1</u> Text of Proposed Order)(Coles-Huff, Doris) (Entered: 01/18/2019) |
| 01/22/2019 | | MINUTE ORDER: Granting <u>15</u> Motion to Stay. This action is hereby STAYED. Defendant's counsel shall notify the Court within FOURTEEN DAYS after Congress has appropriated funds for the Justice Department, and it is further Ordered, that all current deadlines for the parties shall be extended commensurate with the duration of the lapse in appropriations. Signed by Judge Tanya S. Chutkan on 1/22/19. (DJS) (Entered: 01/22/2019) |
| 03/04/2019 | | MINUTE ORDER LIFTING STAY: Effective 1/25/19. The parties shall file a joint status report by 3/15/19 and EVERY 60 days thereafter. A draft order shall be included to the extent the report contains a proposed production and/or briefing schedule. Failure to comply with this order may result in sanctions. Signed by Judge Tanya S. Chutkan on 3/4/19. (DJS) (Entered: 03/04/2019) |
| 03/05/2019 | | Set/Reset Deadlines: Joint Status Report due by 3/15/2019. (tb) (Entered: 03/05/2019) |
| 03/15/2019 | <u>16</u> | Joint STATUS REPORT by UNITED STATES DEPARTMENT OF VETERANS AFFAIRS. (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 03/15/2019) |
| 03/18/2019 | <u>17</u> | NOTICE of Proposed Order – <i>revised with proper date</i> by HUGH CAMPBELL MCKINNEY re <u>16</u> Status Report (Watkins, Seth) (Entered: 03/18/2019) |